

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOE FIERRO,

Plaintiff,

v.

J. RUIZ, et al.,

Defendants.

No. 1:24-cv-01413 KES GSA (PC)

ORDER GRANTING PLAINTIFF'S MOTION  
FOR LEAVE TO FILE AMENDED  
COMPLAINT

(See ECF No. 11 at 1-2)

ORDER DISREGARDING "PROPOSED  
AMENDED COMPLAINT" WITHIN  
MOTION FOR LEAVE TO FILE AMENDED  
COMPLAINT

(See ECF No. 11 at 2-9)

ORDER DENYING PLAINTIFF'S MOTION  
FOR LEAVE TO FILE ATTACHED  
CORRECTION OF PAGE ONE OF  
COMPLAINT AS MOOT

(ECF No. 10)

ORDER DIRECTING PLAINTIFF TO FILE  
AMENDED COMPLAINT ON COURT'S  
FORM

PLAINTIFF'S FIRST AMENDED  
COMPLAINT DUE IN THIRTY DAYS

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States

1 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The matter is at the  
2 screening stage of the proceedings.

3 Plaintiff has filed a motion for leave to file a corrected first page of his original complaint.  
4 ECF No. 10. He has also filed a motion for leave to file an amended complaint (ECF No. 11 at 1-  
5 2) and a “proposed amended complaint” within the motion for leave to amend (see id. at 2-9).

6 For the reasons stated below, Plaintiff’s motion for leave to file an amended complaint  
7 will be granted. However, the “proposed amended complaint” filed within the motion for leave to  
8 amend will be disregarded. Plaintiff’s motion for leave to file an attached correction of page one  
9 of his original complaint will be denied as moot. Finally, Plaintiff will be sent a copy of the  
10 Court’s civil rights complaint form and he will be ordered to file his amended complaint on it.

11 I. PLAINTIFF’S MOTIONS

12 In support of the motion for leave to file an amended complaint, Plaintiff states, in part,  
13 that he would like to add correct names of defendants to the complaint. ECF No. 11 at 1. Within  
14 the motion, however, Plaintiff presents a “proposed amended complaint.” Id. at 2-11.

15 II. DISCUSSION

16 In light of above, Plaintiff’s motion for leave to amend will be granted. However, the  
17 “proposed amended complaint” within the motion will be disregarded. In addition, Plaintiff’s  
18 motion for leave to file an attached correction to the complaint will be denied as moot. Finally,  
19 the Clerk of Court will be directed to send Plaintiff a copy of the Court’s civil rights complaint  
20 form and Plaintiff will be ordered to file the amended complaint on that form. Plaintiff is  
21 cautioned that failure to comply with the Court’s order may result in a recommendation that this  
22 matter be dismissed for failure to obey a court order.

23 Accordingly, IT IS HEREBY ORDERED that:

24 1. The Clerk of Court shall send Plaintiff a copy of the Court’s Civil Rights Complaint  
25 By a Prisoner, and Plaintiff must use that form;

26 2. Plaintiff’s motion for leave to file an amended complaint (ECF No. 11 at 1-2) is  
27 GRANTED;

28 3. Plaintiff’s “proposed amended complaint” filed within the motion for leave to amend

(see ECF No. 11 at 2-9) is DISREGARDED;

4. Plaintiff's motion for leave to file an attached correction of page one of the original complaint (ECF No. 10) is DENIED as moot, and

5. Within thirty days from the date of this order, Plaintiff shall file a first amended complaint on the Court's Civil Rights Complaint By a Prisoner form.

**Plaintiff is cautioned that failure to comply with this order may result in a recommendation that this matter be dismissed.**

IT IS SO ORDERED.

Dated: **December 21, 2024**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE